

**PLANNING AND ZONING COMMISSION
MINUTES
GENERAL MEETING / PUBLIC HEARING
APRIL 28, 2015**

Place: Room 206, Town Hall

TIME: 8:00 P.M.

PLANNING & ZONING COMMISSION MEMBERS ATTENDING:
Voigt, DiDonna, Cunningham, Sini, Jr.

STAFF ATTENDING: Ginsberg, Keating
RECORDER: Syat
Channel 79

Acting Chairman Voigt read the first agenda item:

GENERAL MEETING

Town Plan of Conservation & Development.

Discussion of “development-related” issues. Public input is welcome and encouraged.

Mr. Sini said that traffic impacts seem to be one of the main concerns of people regarding development activities.

Mr. Chalder said that part of the Plan Review process is to examine the community structure. Darien has a downtown center along the Boston Post Road near the railroad station and a secondary business area near the Noroton Heights train station. The community is primarily a single family residential development with some multi-family and some affordable housing units that have been created. Business development is primarily within the Central Business District, the Noroton Heights area and the Service Business Zones along the Boston Post Road, Route One. There are also some office parks located on secondary commercial areas.

First Selectman, Jayme Stevenson, said that there is pending legislation at the state level that might affect Darien development and redevelopment regarding transportation corridors. There is also a plan to widen portions of I-95. She said that the Town wants to encourage economic development through cooperation and there has been some discussion about whether the Town should create an Economic Development Agency. She said that one aspect that is out of the Town’s control is the State taxation policies. The regional average mill rate is higher than Darien’s mill rate. If the State has its way, Darien would need to raise its taxes and give that money to the region or to the State.

Mr. Chalder agreed that this is a wild card out of the control of the Town, but we need to plan responsibly for what we want to have happen.

David Genovese, said that it is sometimes difficult to plan the many aspects of big projects. He said the traffic analysts have to study not only what his project would impact, but how other site development could impact the community as a whole. He said that regional malls and other development activities in surrounding towns will take away business from Darien.

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Fred Conze said that mixed use development in areas like the Noroton Heights commercial zone should be considered. He said that there is a 2007 Affordable Housing Study that the Commission should heed and encourage the creation of more affordable housing. He said that one possibility would be to consider an overall zone for the Service Business areas and the downtown areas. This might include rezoning the Service Business Zone from the downtown area to the library as Central Business District and extending the CBD along the Boston Post Road to Old King's Highway North or even the Norwalk line.

Attorney Bruce Hill said that the redevelopment of the Noroton Heights district is only conceptual at this point and should be reviewed. He said that the Transit Corridor legislation could impact the redevelopment because it is adjacent to the train station.

First Selectman Jayme Stevenson suggested that the Town might create a Transit Corridor Overlay Zone. Attorney Hill said that the Service Business Zone is sometimes problematic and needs to be reexamined and possibly changed.

Jan Raymond said that the Housing Authority wants to redevelop the Old Town Hall housing site because there is an ever increasing need for affordable housing for senior citizens.

Mr. Sini noted that the Town is primarily residential and that senior housing should be for empty nesters and at an affordable rate. Mr. Chalder said that the old standard of a family of two adults and two children living in a detached, single family house has changed in recent times. Mr. DiDonna said that senior housing at the old senior center should be considered.

Sue Prosi of the Western Connecticut Council of Governments (formerly South Western Regional Planning Agency) said that they have been working on the Natural Hazards Mitigation Plan and studying risk assessment. Part of that work involves concerns about flooding and storm surge and transportation vulnerability. First Selectman Stevenson said that transportation is extremely critical when looking at it evacuation plans.

Ms. Prosi said the transit grants are available for projects and improvement along the Route One corridor. These would often include things like synchronized traffic signals which are important, but in order to obtain the grants, there need to be studies and planning criteria that have been satisfied. She said that other aspects of the project include the relocation of underground utilities and improving the street scape regarding sidewalks and signage and pedestrian crossings. She said that these are all very important to a feeling of local community and making sure that a business area is walkable and safe for pedestrians. In some cases, it is appropriate to revise outdated buildings and facilities such as shopping centers and office parks with adequate pedestrian walkways.

Attorney Wilder Gleason and landowner David Genovese said that parking needs are changing for both office uses and medical uses.

Mr. Chalder said that he will continue to gather information regarding business and development issues and will write up draft reports to the Commission regarding the Central Business District, the Noroton Heights Business District, other business areas and residential areas.

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Mr. DiDonna said that it would be appropriate for the Commission to concentrate on infrastructure planning so that as a community we can tell the developers what we need to have them do as a condition of approval of developments.

A woman spoke to the Commission saying that the density of development should not be so great that Darien becomes like Greenwich.

There being no further discussion on this matter, the Commission decided to open the public hearing.

PUBLIC HEARING

At about 9:25 p.m., Acting Chairman Voigt then read the following agenda item:

Continuation of Public Hearing regarding Land Filling & Regrading Application #348, Jeffrey & Dagmar Scalise, 1 Lynn Court. Proposal for filling and regrading associated with the construction of a replacement single-family residence, detached garage, associated patios, and stormwater management, and to perform related site development activities. The subject property (formerly known as 140 Hoyt Street) is located on the south side of Lynn Court at the southwest corner formed by its intersection with Hoyt Street, and is shown on Assessor's Map #31 as Lot #13 in the R-1/3 Zone.

Doug DiVesta, Professional Engineer, submitted the revised Site Plan. He said that the house design has been flipped so the driveway and garage are now to be located on the east side of the property adjacent to Hoyt Street. He said that on the west side of the property he has pulled the fill to be at least 20 feet from the westerly property line and there will be much less regrading necessary for the driveway. He submitted the revised and corrected house plan and revised survey plan.

Mr. Ginsberg said that the average existing grade and average proposed grade need to be rechecked to make sure that they comply with the Regulations. Mr. Voigt said that this would be important because the building height is of concern to the Commission. Mr. DiVesta said that the first floor of the house is proposed at 74.6 and the outside grade to the west of the building would be at 72. He said that the existing house, first floor, is at 74.8, very close to the proposed floor level. Mr. Voigt said that from the property line to the peak of the house it would appear to be a 43 foot difference and he asked whether this will look very large.

Mr. DiVesta said that the recently revised plan is a much gentler slope and the regrading has been pulled farther away from the neighbor. Mr. Ginsberg said that the building height might be too high depending on the existing average grade and one solution might be to lower the proposed house or to surround the house with new, taller landscaping. Mr. Sini said that the Commission is very concerned with how the neighbors will be able to view this new house, particularly the impact on the neighboring property to the west.

Mr. DiVesta said that they investigated the sidewalk along Hoyt Street and determined that the asphalt is in good condition and does not need repair.

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There were no comments from the public regarding the application. The following motion was made: That the Commission close the public hearing regarding this matter and will render a decision at a future meeting. The motion was made by Mr. Sini, seconded by Mr. DiDonna and unanimously approved.

At about 9:45 p.m., Mr. Voigt read the following agenda item:

Proposed Amendment to Darien Zoning Regulations (COZR #1-2015), Special Permit Application #287/Site Plan review, Land Filling & Regrading #349, Knobel Hill, LLC, 40 Locust Hill Road. Proposing to demolish the existing structures on-site, apply the Active Senior Residential Overlay Zone to the subject property, and construct an “Active Senior Residential Development” under Section 430 of the Darien Zoning Regulations consisting of six total dwelling units; install associated stormwater management; and to perform related site development activities. The application also includes a proposed amendment to Subsection 436b of the Zoning Regulations regarding terraces and utility equipment. The subject property is located on the south side of Locust Hill Road, at the southwest corner formed by its intersection with Settler’s Trail, and is shown on Assessor’s Map #64 as Lot #49 in the R-1 Zone.

John Sini said that he is friends with the applicant’s son, but does not see a conflict of interest that would preclude him from participating in the discussion and action regarding this matter.

Attorney Robert Maslan represented the applicant and submitted a booklet of photographs and a response letter from Doug DiVesta, P.E. and information from the Town Historian. He explained that the application includes several aspects. The first aspect is to revise the Regulation slightly with respect to the location of heating ventilation and air conditioning equipment and other utility equipments to clarify that they must be at least 25 feet from the property line, but they do not need to meet the regular setbacks like a building. The other is to clarify that terraces and patios would have to be at least 25 feet from the property line, but do not have to meet the setback regulations like a building. He noted that the Architectural Review Board has reviewed and approved the architectural design of the structure and that the Sewer Commission has approved the conceptual expansion of the sewer system in order to allow this property to be connected to the sewers. He said that the Planning & Zoning Commission previously adopted the amendment to the Zoning Regulations to create the Overlay Zone. They are now requesting that the Overlay Zone be applied to this particular piece of property and that the Special Permit and Site Plan approval be granted so that the property can be developed. They have also obtained approval from the Board of Selectmen at a Representative Town Meeting to adjust the right-of-way and property boundary line along Locust Hill Road.

Attorney Maslan explained that the property on the southwest corner of Locust Hill Road and Settler’s Trail is in a residential zone, but was formerly used as a hardware business. There are now seven buildings on the site and there was a residence located close to the intersection. There is a small area of wetlands in the northwest corner of the site and there are some off-site wetlands located to the west of the property boundary line. The proposal is to demolish all the old buildings and to create a conservation easement area on the south side of the property. Four new, single family cottage style structures will be built along with a two-family estate or manor house which will be located roughly on the site of the largest building of the old hardware store. All of the new

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residences will be served by one entrance driveway and a courtyard which will be accessed via Settlers Trail. The two affordable housing units that are required will be located off-site. The site will contain a total of six dwelling units and two affordable housing units would be located on a different property. As part of the site development, they will be regrading the land at the southwest corner of Locust Hill Road and Settlers Trail to substantially improve the sight line in that area. The old residence and retaining wall in that area will need to be removed. An emergency access driveway will be provided from Locust Hill Road. It will be used during the construction process and, once the development occurs, it will then only be used for emergency access purposes. Attorney Maslan reviewed the photographs that he had provided.

Robert Cardello, Project Architect, explained that each of the dwelling units will be provided with a two-car garage. The master suite will be located on the main floor of each building. They will also have two bedrooms upstairs that will be available for guests. The estate house or manor house has been designed so that the garages will be located in the basement level and will be accessed from the north side of the building. Each of those units will be provided with an internal elevator to allow access from the basement level garage to the living space on the upper floors. He said each cottage would have approximately 2,300 square feet of living space, plus the garage, plus the potential for another 700 square feet of room of finished space above the garage. Each would have a basement of approximately 20' x 20' for utilities. He said that the exterior design of the buildings will include stone and wood shingles so that they will have a classic New England appearance. Mr. Cardello said that the estate house or manor house will be in approximately the same location and approximately the same height as the old, existing structure which will be removed. He said that there will be sufficient guest parking in the front courtyard that will be shared by all of the dwelling units. He said the building height for the cottage structures will be about 28 feet.

Doug DiVesta, P.E., said that he has designed the drainage system for the proposed development. In his design, he did not take any engineering credit for the existing structures or driveways. He used a fresh meadow approach and designed the drainage system to accommodate all of the storm water from the proposed development so that there will be no increase in the amount of discharge from the site. He has included storm water detention areas in the northeast corner of the property. Mr. DiVesta said that they will be connecting to the sanitary sewer system. Each unit will have a grinder pump that will connect to the pain line in the center of the property and then a forced main will connect that system to Locust Hill Road. Clean water will be provided from a tap into the water main in Locust Hill Road. They will provide an on-site fire hydrant as recommended by the Fire Marshal.

Mr. DiVesta said that he has reviewed the comments from Todd Ritchey who is an engineer hired by the Town to review the plan. Mr. DiVesta responded to Mr. Ritchey's comments regarding soil types and more test holes being performed and the removal of the foundation of the existing house and using clean fill to back fill that area and the clarifications of the bio-retention area and adjusting for the height of the free board above the overflow of the detention area and providing an emergency bypass overflow area and enhancing the sediment erosion controls and including construction fences around soil areas that should not be compacted during disturbance process and clarifying that the Homeowners' Association will need to maintain the drainage system.

Mr. Voigt asked why the plan does not include the use of rain gardens to the south of the cottages. Mr. DiVesta said that the topography of the area not make that very practical or feasible and also

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they will have activity in those areas. Mr. Ginsberg said that it would be appropriate to construct the storm water detention basins early in the project so that during the construction process, there will be proper management of the storm water runoff. He also noted that the excavation at the intersection of the streets needs to take place early in the process to improve site lines. Mr. DiVesta concurred with both of these points and said that the main construction access will be via Settlers Trail rather than Locust Hill Road. Mr. DiVesta continued to review the comments from Mr. Ritchie and noted that they have been addressed. Attorney Maslan said that they are trying to get more test borings done in the near future to determine how best to remove the underlying rock.

At approximately 10:40 P.M., Craig Yannes of Tighe & Bond spoke regarding the traffic management. He said they coordinated with the Fire Marshal regarding the turning radiuses of the large fire trucks that might need to access this property. He said that within 1,000 feet of Settlers Trail there have been four accidents along Locust Hill Road. He said that the posted speed limit is 25 miles-per-hour and that the peak times for traffic usage of that road are between 8:00 and 9:00 A.M. and 5:00 to 6:00 P.M. He said that the proposed development will generate less than 5 vehicles trips during each of the peak hours and that this will not have any significant impact on traffic operations in the area. He reviewed these finding with the Town's Traffic Consultant who concurs and who has made minor suggestions.

There was a discussion regarding the sight lines along Locust Hill Road and how they will be significantly improved by the removal of the house and retaining wall at the northeast corner of the site. Looking to the west, the sight line from Settlers Trail will become 450 feet once the site is regraded. Looking to the east, the sight line is and will remain approximately 265 to 285 feet due to a horizontal curve in the road and the street right-of-way. They will be adding warning signs in that area, but they will not be able to improve the sight line to the east.

Michael Galante of Frederick P. Clark Associates explained that he is a Traffic Consultant hired by the Town and he concurs with Mr. Yannis' conclusions. He said that the sight line improvements will comply with the stopping distance requirements for 34 mile-per-hour speeds, but not the recommended sight distances at a traffic intersection.

The Commission decided that it would be best to continue the public hearing regarding this matter on May 12th. The public hearing regarding this matter will be continued at 8:00 P.M. in Room 206 of the Town Hall on May 12, 2015. The following motion was made: That the meeting be adjourned. The motion was made by Mr. Sini, seconded by Mr. Cunningham and unanimously approved. The meeting was adjourned at 10:50 P.M.

Respectfully submitted,

David J. Keating
Planning & Zoning Assistant Director